

FILED

JAN 14 2009

**CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE**

Allen Bennett
Name
A-81422
Prison Number
Menard Cor. CTA
Place of confinement
P.O. Box 74
Mailing address
Menard, Ill.
City, State, Zip

Telephone

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

Allen Bennett (A-81422)
(Enter full name of plaintiff in this action)

Case No. 09-46-GPM
(To be supplied by Court)

Plaintiff,

vs.

Correctional Officers Jody Moore,
Hill, and Monroe, Lt. Westerman, Warren
Hulick, Joan Penneke, Hon. Lawrence
P. Fox, Dorothy Brown, Humberto Brim,
Austin Ware, Sherry Benton, Clinical
Service Supt. at Menard and Dr. Walker Jr.,

(Enter full names of defendant(s) in this action.
Do NOT use *et al.*)

Defendant(s).

Dr. Finerman
and unknown
Med-Tech and Nurse
staff at Menard Cor.
CTA

**PRISONER'S
COMPLAINT UNDER
THE CIVIL RIGHTS ACT
42 U.S.C. § 1983**

A. Jurisdiction

Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3).

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Allen Bennett,
(print your name)
who presently resides at P.O. Box 74, Menard, Ill. 62259, were
(mailing address or place of confinement)
violated by the actions of the below named individual(s).

2. **Defendants** (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Joey Moore, is a citizen of
(name)
State of Illinois, and is employed as a Correctional Officer.
(state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, Correctional Officer HAM, is a citizen of
(name)
State of IL, and is employed as Correctional Officer.
(state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, Correctional Officer ~~At~~ Monroe, is a citizen of
(name)
State of Illinois, and is employed as a Correctional Officer.
(state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

C. Causes of Action (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").

Claim 1: On or about 1-5-08, my civil right to Freedom from cruel
(Date) (Right to medical care, access to courts, due process,
and unusual punishment and medical care was violated
freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List only one violation.)

Defendant No. 1 Lt. Westerman is a citizen of the State of Illinois and is employed as a Correctional Lt. This defendant personally participated in causing my injury. I want money damages and criminal charges.

Defendant No. 5. Warden Donald A. Hulick is a citizen of the State of Illinois and is employed as the Warden at the Menard Cor. Ctr. This defendant personally participated in conspiring to cause injuries to me and also the policy / custom of this official government agency violates my rights. I seek both money damages and injunctive relief.

Defendants Joan Perneck is a citizen of the State of Illinois and is employed as the ~~Public~~ Assistant State's Attorney of Cook County. This defendant personally participated in conspiring to cause injuries to me on my sentence in the Ill. Dept of Corrections on ~~and~~ a single charge and conviction for Agg. Poss. of Stolen Motor Vehicle. I seek both money damages and injunctive relief ~~because~~ because this defendant ~~acted~~ did not act within the performance of her duties lawfully within the State of Illinois but criminal in violation of 720 ILCS 5/33-3 (b) (c) and 5/33-3.2 (F) and 3.1.

Defendant Hon. Lawrence P. Fox is a citizen of the State of Illinois and is employed as a Judge for the Circuit Court of Cook County. This defendant personally participates in conspiring to cause physical injuries and other injuries to me on my sentence in the I.D.C. including annexing and exploiting sexual assaults and other violent crimes. I have not been tried or convicted or charged in relation to the Agg. Poss. of Stolen Motor Vehicle conviction before his court causing me to be falsely imprisoned under a mittimus under case no. 00-CR-16815 on violent crimes. I was not tried on,

Defendant Dorthey Brown is a citizen of the State of Illinois and is employed as the Clerk of the Circuit Court of Cook County. This defendant personally participated in conspiring with the defendants Joan Pennick and Hon. Judge Lawrence P. Fox to issue a mittimus to the Illinois Dept. of Corrections (two mittimus) under case no. 00-CR-16815, one with a single and lawful conviction of Agg. Poss. of Stolen Motor Vehicle and another with the same ~~100%~~ conviction information annotated with sexual assaults and other violent crimes I have not been tried, charged, or ~~or~~ convicted on in connection with this ~~case~~ matter causing me to be falsely imprisoned under those fraudulently charges including parole. (See attached Exhibit A and Bennett v. Hulick et al, case no. 08-CV-120 DRA)

Defendant Hunnahoo Brim is a citizen of the State of Illinois and is employed as a Parole Agent for the Illinois Dept. of ~~Corrections~~ Corrections. This defendant personally participated with the defendants to deprive him of parole after learning that plaintiff was seeking legal help and also defendant Brim personally participated in fraudulently exploiting conviction information of sexual assaults and other violent crimes against me under case no. 00-CR-16815.

Defendant Austin Ware is a citizen of the State of Illinois and is employed as a Parole Supr. Agent for the Ill. Dept. of Corrections. This defendant personally participated with conspiring with the defendant Brim.

Defendant ~~Sherry Benton~~ Betsy Spiller is a citizen of the State of Ill. and is employed as a Clinical Service Supr. at the Menard Cor. Ctr. This defendant personally participated with all the defendants in their ~~civil~~ civil and criminal violations against plaintiff.

Defendant Sherry Benton is a citizen of the State of Illinois and is employed in the Office of Inmate Issues for the Ill. Dept. of Corrections. This defendant personally participated with all the defendants in their civil and criminal violations against plaintiff.

Defendant Roger E. Walker JR. ~~is~~ is a citizen of the State of Illinois and is employed as ~~a~~ the Director of the Illinois Dept. of Corrections. This defendant ~~to~~ personally participated in conspiring with all the other defendants to violate plaintiff's ~~constitutional~~ civil rights and committed criminal violations against him in ~~of~~ this operation ~~and~~ independent from the State of Illinois,

Defendant Dr. Finerman is a citizen of the State of Illinois and is employed as the Medical Director at the Menard Corr. Ctr. This defendant personally participated in conspiring with the defendants who attacked plaintiff on T-S-08, by depriving him of needed medical attention of those injuries he sustained from that attack. Plaintiff continues to suffer from those injuries.

Supporting Facts: (Briefly describe **facts** you consider important to Claim 1. State what happened clearly, in **your own words**. DO NOT cite legal authority or argument. Be certain to describe exactly what each defendant, by **name**, did to violate the right alleged in Claim 1.)

including rights to be protected. The defendants Moore, Hill, Monroe, and Lt. Westerman unprovokedly attacked plaintiff at the Menard Correctional Center Protected Custody Unit acting on a false stigma which contains recorded fraudulently reported conviction information against him erroneously profiling plaintiff as a violent Rapist based upon reference of altered and falsified past convictions which has been illegal annexed to a recent conviction of Aggravated Possession of a Stolen Motor Vehicle. As a result, Plaintiff has been committed to the Illinois Department of Correction ~~on~~ on sexual assault crimes and violent crimes on an illegal mittimus while only being convicted of a single aforementioned Auto Theft charge. Plaintiff states that he has been falsely imprisoned on sexual assaults and violent crimes that he never been tried, arrested, nor convicted in connection to the ~~Agg. Poss.~~ Agg. Poss. of Stolen Motor Vehicle charge. The defendants Dr. Finceman and unknown Med-Tec and Nurse all deprived Plaintiff of his rights to receive proper medical treatment after being beaten and sodomized by the defendant in which he sustained permanent injuries from the attack.

Claim 2: On or about 10-15-02, my civil right to Due Process to a

(Date)

(Right to medical care, access to courts, due process,

Trial and equal protections of laws were violated
 freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

Supporting Facts: (Briefly describe **facts** you consider important to Claim 2. State what happened clearly, **in your own words**. DO NOT cite legal authority or argument. Be certain to describe exactly what each defendant, **by name**, did to violate the right alleged in Claim 2.)

by the defendants Warden Hulick, Joan Perreault,
Hon. Lawrence P. Fox, Dorothy Brown, Humnand Brim,
Austin Ware, Sherry Benton, CUS Besty Spiller,
and Director Roger E. Walker Jr. when plaintiff's
 conviction information was intentionally and deliberately
 falsified and reported to the Illinois State Police
 in violation of 720 ILCS §133-3.1 (F) and §1
 33-3.2 (F) (Solicitation Misdemeanor) and 720
 ILCS §133-3 (b) and (c) (Official Misdemeanor) in
 a scheme to fraudulently exploit sexual assaults
 and violate crimes against ^{plaintiff} on official records
 including annexing these violent crimes on his
 mittimus on his sentence for a single charge
 of Agg. Poss. of a Stolen Motor Vehicle under
 case no. 00-CR-16815 in the Circuit Court of
 Cook County where as he had been committed
 to the Illinois Dept of Corr. on violent crimes
 he was not tried and convicted on. (See Attached
 Exhibit A and Exhibits in Bennett v. Hulick et al
 case no. 08-CV-120 and Case No. 07-CV-239 both
 USDC-SP-IL).

Claim 3: On or about 1-5-08, my civil right to Medical Care
(Date) (Right to medical care, access to courts, due process,
was violated by the Defendant Dr. Finerman who
freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List only one violation.)

Supporting Facts: (Briefly describe **facts** you consider important to Claim 3. State what happened clearly, **in your own words**. DO NOT cite legal authority or argument. Be certain to describe exactly what each defendant, **by name**, did to violate the right alleged in Claim 3.)

refused recommended surgery to repair torn
 colon as a result of the sadomy attack. And
 also, the defendant Dr. Finerman, Unknown
 Med-Tech and Nurse refused proper treatment
 for Plaintiff on injuries he sustained on 1-5-08
 by the defendants Moore, Hill, Monroe, and Lt.
 Westerman.

D. Previous Lawsuits

1. Have you begun other lawsuits in **state or federal court** dealing with the **same facts** involved in this action, **or otherwise relating to your imprisonment**? ☒ Yes ☐ No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): Allen Bennett

Defendant(s): Warden Hulick and Roger E. Walker Jr.

Name and location of court: USDC-SD III case no. 08-CV-120

DRA Habeas Corpus

Docket number: 08-CV-120 Name of judge: Hon. David R. Hansen

Approximate date case was filed: _____ Date of final decision: _____

Disposition: ☐ Dismissed ☐ Appealed ☒ Still pending

Issues Raised: Revocation of Good time Credits.

b. Lawsuit 2:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: ☐ Dismissed ☐ Appealed ☐ Still pending

Issues Raised: _____

3. Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

☒ Yes ☐ No If your answer is "Yes," describe each lawsuit.

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a. Defendant(s): Don't have records of these claims at this time

b. Name of federal court _____ Case number: _____

c. The case was dismissed as: _____ frivolous, _____ malicious and/or _____ failed to state a claim

d. Issue(s) raised: _____

e. Approximate date case was filed: _____ Date of final decision: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

a. Defendant(s): _____

b. Name of federal court _____ Case number: _____

c. The case was dismissed as: _____ frivolous, _____ malicious and/or _____ failed to state a claim

d. Issue(s) raised: _____

e. Approximate date case was filed: _____ Date of final decision: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a. Defendant(s): _____

b. Name of federal court _____ Case number: _____

c. The case was dismissed as: _____ frivolous, _____ malicious and/or _____ failed to state a claim

d. Issue(s) raised: _____

e. Approximate date case was filed: _____ Date of final decision: _____

4. Are you in imminent danger of serious physical injury? ☒ Yes ☐ No

If your answer is "Yes," please describe how you are in danger, without legal argument/authority:

The plaintiff is in imminent danger and harm because he has been re-incarcerated after being paroled on 12-1-08. One that sexual assaults and other violate crimes are still listed on his sentencing minimums which occurred this fact recently. (See attached Exhibit A) Plaintiff has been convicted or tried on numerous these crimes relating to his recent parole. These crimes has been illegally exploited publicly against him while on parole and during his sentence. It is at such an extreme ~~of~~ of ~~the~~ fraudulent

E. Exhaustion of Administrative Remedies Conviction. plaintiff is in danger ~~on an ongoing basis.~~ on an ongoing basis.

REMINDER

You must exhaust your administrative remedies before your claim can go forward. (Prosecution)
THE COURT MAY DISMISS ANY UNEXHAUSTED CLAIMS.

1. Present place of confinement: Menard Correctional Center (maximum)2. Is there a grievance procedure at this institution? ☒ Yes ☐ No

3. If yes, did you present the facts in your complaint for review through the grievance procedure?

☒ Yes ☐ No

a. If your answer is "No," explain why not: N/A

b. If your answer is "Yes," what steps did you take? I filed this complaint directly through the proper chain and there was a final decision by the defendant Sherry Benton

c. Is the grievance procedure complete? ☒ Yes ☐ No

If your answer is "Yes," ATTACH A COPY OF THE FINAL GRIEVANCE RESOLUTION for any grievance concerning facts relating to this case.

F. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ \$10,000,000 (Ten Million dollars)
2. Punitive damages in the amount of \$ \$20,000,000
3. An order requiring defendant(s) to to seal all plaintiff's criminal records except for the conviction for Agg. Poss. of Stolen Motor Vehicle
4. A declaration that declaring the defendant actions were criminal and not based on the lawful operation of the State of Illinois
5. Other: Plaintiff is requesting appointment of counsel

Plaintiff demands a trial by jury. ☒ Yes ☐ No

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at Stateville Correctional Center on 1-9-09
(Location) (Date)


(Plaintiff's Signature)

Original Signature of Attorney (if any) (Date)

Attorney's Address and Telephone Number